

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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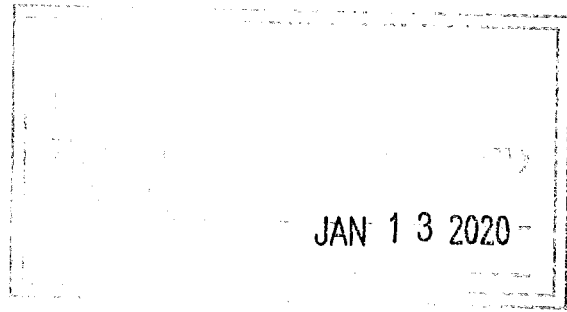
UNITED STATES OF AMERICA

- against -

OLUWATOBI JOHN AJIBABI,

Defendant.

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ORDER OF JUDICIAL REMOVAL

Criminal Docket No. 19 Cr. 887 (AJN)

Upon the application of the United States of America, by Kyle A. Wirshba, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of OLUWATOBI JOHN AJIBABI (the “defendant”); and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and citizen of Nigeria.
3. The defendant was admitted to the United States at or near JFK International Airport, New York, NY on or about April 10, 2016, as a nonimmigrant on a F-1 academic visa for a duration of status. Student and Exchange Visitor Program (SEVIS) records show the defendant’s Optional Practical Training (OPT) was completed on October 4, 2018. The defendant, however, failed to depart the United States within the 60 days of his OPT completion. The defendant failed to maintain the nonimmigrant status in which he was admitted and has remained in the United

States without authorization from the United States Department of Homeland Security.

5. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, of the offense of making a false statement in an application for a United States passport, in violation of 18 U.S.C. § 1542.
6. The above-mentioned offense carries a maximum term of 10 years' imprisonment.
7. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to section 237(a)(1)(C)(i) of the Immigration and Nationality Act ("INA"), as amended, 8 U.S.C. § 1227(a)(1)(C)(i), as a nonimmigrant status violator: an alien who was admitted as a nonimmigrant and who has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248 of the INA, 8 U.S.C § 1258, or to comply with the conditions of any such status; section 237(a)(2)(A)(i) of the INA, as amended, 8 U.S.C. § 1227(a)(2)(A)(i), as an alien who committed a crime involving moral turpitude within five years after the date of admission and was convicted of a crime for which a sentence of one year or longer may be imposed; and pursuant to section 237(a)(3)(D) of the INA, as amended, 8 U.S.C. § 1227(a)(3)(D), as an alien who falsely represented himself to be a United States citizen for any purpose or benefit under the INA (including section 274A) or any Federal or State law.
9. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

10. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.
11. The defendant has designated Nigeria as the country for removal pursuant to Section 240(d) of the INA, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to Nigeria.

Dated: New York, New York

Jun 9 2020



HONORABLE ALISON J. NATHAN  
UNITED STATES DISTRICT JUDGE